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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICOH COMPANY, LTD.,

Plaintiff,

vs.

AEROFLEX INC., et al.

Defendants.

SYNOPSYS.,

Plaintiff,

vs.

RICOH COMPANY, LTD.
Defendant.

)
) Case No. C03-4669 MJJ (EMC)
) Case No. C03-2289 MJJ (EMC)

) **DECLARATION OF MICHAEL A.**
) **WEINSTEIN PURSUANT TO ORDERS OF**
) **JULY 5 AND 12, 2006**

1 Michael A. Weinstein declares as follows:

2 1. My name is Michael A. Weinstein, an attorney with the law firm of Dickstein Shapiro
3 LLP, counsel for Ricoh Company Limited. I am over the age of 21 and am competent to make this
4 declaration. Based on my personal knowledge and information, I hereby declare to all the facts in this
5 declaration.

6 2. On July 5, 2006, this Court entered an Order that provided in relevant part:

7 The Court finds that the proper remedy here is a search of the 23 boxes in the storage facility
8 by *counsel* for Ricoh. In a declaration, counsel shall certify that these boxes in the storage facility
9 were searched and that all documents or things responsive to Defendants' requests have been or
10 will be produced (or identified on a privilege log). As to the 26 boxes that purportedly consist of
11 (1) 6 boxes from South Carolina and (2) 20 boxes identified and pulled out by Mr. Bershader's
12 assistant, counsel shall re-review the 23,000 pages that were imaged but not produced and then
13 certify that responsive documents have been or will be produced (or identified on a privilege
14 log). Finally, the declaration by counsel shall address the issue regarding KBSC documents that
15 were maintained in South Carolina and later shipped to California. The declaration shall be
16 provided within two weeks of the filing date of this order

17 3. On July 12, 2006, this Court entered an Order that provided in relevant part:

18 There is no dispute that, per the Court's previous order, counsel for Ricoh must re-review the
19 23,000 documents that were pulled from the 26 boxes and imaged (though not produced). The
20 only question is whether counsel should also be ordered to re-review those documents contained
21 in the 26 boxes that were *not* pulled by counsel for Ricoh in its initial "broad brush" relevance
22 review. The Court shall not outright order Ricoh's counsel to re-review those particular
23 documents. However, because Defendants raise a legitimate concern and because the KBSC
24 documents are potentially very important, the Court shall require counsel for Ricoh to include as
25 part of its declaration a statement that all responsive documents from the 26 boxes -- including
26 those documents that were *not* initially pulled -- have been produced or identified on a privilege
27 log.

28 4. Pursuant to the Court's Order of July 5, 2006, my firm requested Brian Bershader, on
behalf of Knowledge Based Silicon Corporation ("KBSC"), to retrieve all of the KBSC boxes of
documents from storage and send the boxes of documents to my firm. Mr. Bershader initially declined
to provide the documents or access to the documents. After additional requests, Mr. Bershader agreed to
provide Ricoh's California counsel with access to the storage facility housing the documents. However,
as Mr. Bershader was traveling, access to the storage facility was delayed until the week of July 10,
2006.

6. My firm received the 26 boxes of documents that had been previously reviewed by my firm on July 13, 2006. We also received one additional box on that date. This box was promptly reviewed by counsel for Ricoh and did not contain any responsive documents.

7. On the afternoon of July 17 and the morning of July 18, my firm received 33 additional boxes of KBSC documents. Delivery of 21 of those boxes was delayed because of our recent relocation of our firm's offices. The earliest that we could commence our review of those 33 boxes was on Tuesday, July 18, 2006.

8. I, along with other lawyers in my firm, have re-reviewed the KBSC documents that had been previously selected as potentially relevant by me and other lawyers in my firm from the documents that our firm had collected from KBSC from locations in South Carolina or California. Those documents were selected from 26 boxes of documents as being potentially relevant to the issues in this litigation. In the Court's July 5 and 12 Orders, these imaged documents are referred to as the "23,000 pages of documents." These documents were scanned and imaged by my firm. A subset of those documents were produced in 2003 and 2004. Many of the documents that had been selected for copying were later determined to be irrelevant and/or non-responsive, including, for example, documents related to KBSC administration in the 1990's, KBSC trademark documents, and documents related to other products of KBSC.

9. Pursuant to the Orders of this Court of June 5 and 12, 2006, I and other lawyers in my firm have re-reviewed all of those imaged documents. With the exception of less than 5% of documents that are described in paragraph 10, below, all relevant, responsive non-privileged documents were either previously produced, or have been produced as of the date of this declaration. The relatively few additional documents that are being produced today include duplicate documents previously produced,

1 such as patent prosecution documents and various publications. Those documents being produced with
2 a KBSC bates number to ensure that all relevant, responsive non-privileged documents have been
3 produced.

4 10. Some of the imaged documents are Japanese language documents. When our firm
5 reviewed the documents for production in 2003 and 2004, we retained an interpreter to read the
6 documents and determine whether they were responsive. Our re-review of these Japanese language
7 documents in the past two weeks has been hampered by the difficulty of trying to match the foreign
8 language documents with the interpreter's notes from the 2003-2004 time period regarding the content
9 of those documents. Counsel for Ricoh is working with an interpreter to once again review those
10 Japanese documents and verify that the documents are not responsive. Our re-review and production of
11 any remaining relevant, responsive non-privileged documents, as well as any associated privilege log,
12 will be completed by no later than July 28, 2006.

13 **The Rest Of The Previously Reviewed Documents**

14 11. The imaged documents were culled from a total of 26 boxes of KBSC documents. Those
15 26 boxes of documents were received from KBSC on July 13, 2006. I verified that those 26 boxes of
16 documents had not been opened since they had been shipped from my firm to KBSC.

17 12. All of the documents in those 26 boxes have been reviewed by me and other attorneys in
18 my firm. I certify that all responsive non-privileged documents from the 26 boxes -- including those
19 documents that were *not* initially pulled -- have been or will be produced. To the extent that there are
20 any responsive privileged documents from the 26 boxes, they will identified on a privilege log that will
21 be served no later than July 28, 2006.

22 **The 34 New Boxes of Documents**

23 13. As set forth in Ms. Phelps' declaration, the KBSC storage facility contained a number of
24 boxes, 34 of which contained additional documents not previously reviewed by counsel that contained
25 various documents (other than owner's manuals for products not at issue in this case). Although Ricoh's
26 counsel had understood that only 23 of those boxes contained KBSC documents, out of an abundance of
27

1 caution we requested that Ms. Phelps collect and ship all boxes that contained any documents (other
2 than irrelevant owners manuals). We received one such box on July 13 and the rest on July 17 and 18.

3 14. I and other attorneys at my firm have conducted an initial review of those 34 boxes of
4 documents. The majority of these boxes contain the personal effects of Dr. Kobayashi, such as personal
5 photographs, financial records from the 1990s, and family administrative documents, and are not
6 responsive. Of the remaining boxes of documents, most contain KBSC administrative documents from
7 the mid 1990's and later. Because we could not review 33 of those 34 boxes of documents until
8 yesterday, however, we still reviewing those documents in detail. With the exception of the documents
9 identified in paragraph 15, all relevant non-privileged documents will be produced by no later than July
10 28. Any responsive privileged documents will be logged by that date.

11 15. Our review of these documents is complicated by the fact that several of the boxes
12 contain documents in Japanese. Counsel for Ricoh is working with a Japanese interpreter to determine
13 whether the documents are responsive. Also included in the boxes are video tapes that need to be
14 reviewed; one of the tapes appears to be a Betamax small video format. My firm is attempting to locate
15 an appropriate video playback machine. In addition, the boxes contain various forms of archaic
16 computer magnetic media, including a reel to reel tape, tape drives and various forms of floppy
17 diskettes. On July 19, the computer media was provided to a vendor for analysis, but at present we do
18 not know how long it will take or how much it will cost to determine the contents of those media. We
19 have advised counsel for defendants of the foregoing and advised them that we will produce or log any
20 responsive documents as soon as possible.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct.

23 Signed at Washington, D.C. on July 19, 2006.

24 /s/ Michael A. Weinstein
25 Michael A. Weinstein
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27
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